

At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP §709. (emphasis added).

Applicant's communication of March 22, 2005 was a notification and request to lift the suspension and resume prosecution, **not** a Request for Continued Examination (RCE).

In the April 25, 2005 Notice of Improper Request for RCE (copy attached) it is alleged that:

The Request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final action or notice of allowance continues to run from the mailing date of that action or notice.

The April 25, 2005 Notice was issued erroneously. Applicant did **not** file an RCE. This application has not even received a first Office Action on the merits to date. No substantive official action of any kind, much less a final action or notice of allowance, has been rendered in support of an RCE. The Patent Office's Image File Wrapper for this application confirms the above.

Since prosecution has not even begun in the present application, much less been closed, the Applicant's communication of March 22, 2005 should not have been considered as an RCE.

For at least the reasons noted above applicant respectfully requests that the Notice dated April 25, 2005 be withdrawn and the record clarified by an indication that the Notice was issued in error.

In addition, the extent that the communication of March 22, 2005 is unclear, or requires supplementation, **applicant hereby requests termination of the period of suspension pursuant to 37 CFR 1.103, and that prosecution of the present application on the merits commence.**

To the extent that it is determined that the form of this Response is inappropriate for the relief requested, applicant hereby requests that this Response be considered a petition under 37 C.F.R. § 1.181 and/or § 1.183. Any required petition fees may be charged to Deposit Account 50-2228.

Should this Response be considered insufficient, or the relief requested not be granted for any reason, Applicants respectfully request that this be considered a *bona fide* attempt to respond.

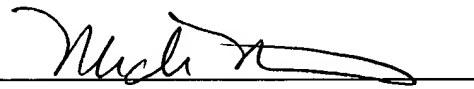
Applicant earnestly solicits a favorable action on the merits. The Examiner is invited to contact the undersigned to address any matter that would advance the prosecution of the present application.

Respectfully submitted,

Date May 23, 2005

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By



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